

REPRESENTATIONS AND CERTIFICATIONS WESTINGHOUSE SAVANNAH RIVER COMPANY, LLC

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SECTION A, APPLICABLE TO ALL OFFERS

1. CERTIFICATION AND AGREEMENT

BY SIGNING BELOW THE OFFEROR CERTIFIES THAT ALL THE FOLLOWING REPRESENTATIONS AND CERTIFICATIONS ARE ACCURATE, CURRENT AND COMPLETE.

FIRM: _____

SIGNATURE: _____

TITLE: _____

DATE: _____

WSRC SOLICITATION NUMBER: _____

NOTE: The penalty for making false statements in offers is prescribed in 18 U.S.C. 1001.

2. AUTHORIZED NEGOTIATORS

The Offeror represents that the following persons are authorized to negotiate on its behalf with WSRC in connection with this offer: (list names, titles, and telephone numbers of the authorized negotiators).

3. TYPE OF BUSINESS ORGANIZATION

The Offeror represents that:

(a) It is:

- ☐ a Corporation, incorporated in the state of: _____
- ☐ an individual:
- ☐ a partnership;
- ☐ a joint venture;
- ☐ a non-profit or educational organization; or
- ☐ a state or local government.

(b) Its Data Universal Numbering System (DUNS) establishment number is:

4. IDENTIFYING DATA OF OFFEROR

- (a) The Offeror ☐ is, ☐ is not

domiciled in South Carolina. The domicile (home of the Offeror is (address including zip code)

The Offeror's principal place of business is (address including zip code)

- (b) The Offeror is licensed as a _____

Sole Proprietorship,
Partnership or
Corporation

under the laws of the state of _____

The Offeror's business license or corporate registration number is _____
(state in which number is provided,
Business License or Corporate Registration)

5. PARENT COMPANY AND IDENTIFYING DATA

- (a) A "parent" company, for the purpose of this provision, is one that owns or controls the activities and basic business policies of the Offeror. To own the offering company means that the parent company must own more than 50 percent of the voting rights in that company. A company may control an Offeror as a parent even though not meeting the requirement for such ownership if the parent company is able to formulate, determine, or veto basic policy decisions of the Offeror through the use of dominant minority voting rights, use of proxy voting, or otherwise.

- (b) The Offeror ☐ is; ☐ is not owned or controlled by a parent company.

- (c) If the Offeror checked "is" in the paragraph (b) above, it shall provide the following information: Name and Main Office Address of Parent Company (Include Zip Code)

Parent Company's Employer's Identification Number: _____

- (d) If the Offeror checked "is not" in paragraph (b) above, it shall insert its own Employer's Identification Number on the following line:

6. SMALL BUSINESS PROGRAM REPRESENTATIONS

If this solicitation is set aside for small businesses, the small business size standard and the North American Industry Classification System (NAICS) code is set forth in the provision entitled "NAICS Code and Small Business Size Standard" included elsewhere in this solicitation.

(a) **Small Business Concern Representation.**

The offeror represents and certifies as part of its offer that it, ☐ is, ☐ is not, a small business concern.

"Small business concern," as used in this provision, means a concern, including its affiliates, that is independently owned and operated, not dominant in the field of operation in which it is bidding on Government contracts, and qualified as a small business under the criteria in 13 CFR part 121.

(b) **Small Disadvantaged Business Representation** *(Complete only if the offeror represented itself as a small business concern in paragraph (a) of this provision.)*

The offeror represents, that it, ☐ is, ☐ is not, a small disadvantaged business concern.

"Small disadvantaged business concern" means a small business concern --

- (1) That has received certification as a small disadvantaged business concern consistent with 13 CFR part 124, Subpart B; and
- (2) No material change in disadvantaged ownership and control has occurred since its certification;
- (3) That where the concern is owned by one or more individuals, the net worth of each individual upon whom the certification is based does not exceed \$750,000 after taking into account the applicable exclusions set forth at 13 CFR 124.104(c)(2); and
- (4) It is identified, on the date of its representation, as a certified small disadvantaged business in the database maintained by the Small Business Administration.

(c) **Women-Owned Small Business Representation** *(Complete only if the offeror represented itself as a small business concern in paragraph (a) of this provision.)*

The offeror represents, that it, ☐ is, ☐ is not, a women-owned small business concern.

"Women-owned small business concern" means a small business concern--

- (1) Which is at least 51 percent owned by one or more women or, in the case of any publicly owned business, at least 51 percent of the stock of which is owned by one or more women; and
- (2) Whose management and daily operations are controlled by one or more women.

(d) **HUBZone Small Business Representation** *(Complete only if the offeror represented itself as a small business concern in paragraph (a) of this provision)*

The offeror represents, as part of its offer, that--

It ☐ is, ☐ is not a HUBZone small business concern listed, on the date of this representation, on the List of Qualified HUBZone Small Business Concerns maintained by the Small Business Administration, and no material change in ownership and control, principal office of ownership, or HUBZone employee percentage has occurred since it was certified by the Small Business Administration in accordance with 13 CFR Part 126; and

It ☐ is, ☐ is not a joint venture that complies with the requirements of 13 CFR Part 126, and the representation in the above paragraph is accurate for the HUBZone small business concern or concerns that are participating in the joint venture. *[The offeror shall enter the name or names of the HUBZone small business concern or concerns that are participating in the joint venture: _____]*

Each HUBZone small business concern participating in the joint venture shall submit a separate signed copy of the HUBZone representation.

Notice. Under 15 U.S.C. 645 (d), any person who misrepresents a firm's status as a small, HUBZone small, small disadvantaged, or women-owned small business concern in order to obtain a contract to be awarded under the preference programs established pursuant to sections 8(a), 8(d), 9, or 15 of the Small Business Act or any other provision of Federal law that specifically references section 8(d) for a definition of program eligibility, shall--

- (1) Be punished by imposition of fine, imprisonment, or both;
- (2) Be subject to administrative remedies, including suspension and debarment; and
- (3) Be ineligible for participation in programs conducted under the authority of the Act.

7. PLACE OF PERFORMANCE

(a) The Offeror, in the performance of any subcontract resulting from this solicitation,

☐ intends, ☐ does not intend to use one or more plants or facilities located at different address from the address of the Offeror as indicated in this proposal.

(b) If Offeror checks "intends" in paragraph (a) above, it shall insert in the spaces provided below the required information:

Place of Performance (Street Address, City, County, State and Zip Code)

Name and Address of Owner and Operator of the Plant or Facility if other than Offeror.

8. BUY AMERICAN CERTIFICATE

The Offeror hereby certifies that each end product, except those listed below, is a domestic end product (as defined in FAR Part 25), and that components of unknown origin are considered to have been mined, produced, or manufactured outside the United States. Offerors may obtain from WSRC lists of articles, materials, and supplies excepted from the Buy American Act (listed at Part 25 of the Federal Acquisition Regulation). The offeror shall list as foreign end products those end products manufactured in the United States that do not qualify as domestic end products.

Foreign End Products

Country of Origin

NOTE: WSRC will evaluate offers that include foreign end items in accordance with FAR Part 25.

9. ANTI-KICKBACK

In Accordance with the Article of the General Provisions entitled "Anti-Kickback Procedures," the bidder hereby certifies that it has in place procedures to prevent and detect possible violation of the Article and Anti-Kickback Act of 1986.

10. CERTIFICATE OF INDEPENDENT PRICE DETERMINATION

(a) The Offeror certifies that:

- (1) The prices in this offer have been arrived at independently, without, for the purpose of restricting competition, any consultation, communication, or agreement with any other Offeror or competitor relating to (i) those prices, (ii) the intention to submit an offer, or (iii), the method or factors used to calculate the prices offered;
- (2) The prices in this offer have not been and will not be knowingly disclosed by the Offeror, directly or indirectly, to any other Offeror or competitor before proposal opening (in the case of a negotiated solicitation) unless otherwise required by law; and
- (3) No attempt has been made or will be made by the Offeror to induce any other concern to submit or not to submit an offer for the purpose of restricting competition.

(b) Each signature on the offer is considered to be a certification by the signatory that the signatory:

- (1) Is the person in the Offeror's organization responsible for determining the prices being offered in this proposal, and that the signatory has not participated and will not participate in any action contrary to subparagraphs (a)(1) through (a)(3) above; or
- (2) (i) Has been authorized, in writing, to act as agent for the following principals in certifying that those principals have not participated, and will not participate in any action contrary to subparagraphs (a)(1) through (a)(3) above. Insert the full name of person(s) in the Offeror's organization responsible for determining the prices offered in this proposal, and the title of his or her position in the Offeror's organization:

- (ii) As an authorized agent, does certify that the principals named in subdivision (b)(2)(i) of this certification have not participated, and will not participate, in any action contrary to subparagraphs (a)(1) through (a)(3) of this certification; and
- (iii) As an agent, has not personally participated, and will not participate, in any action contrary to subparagraphs (a)(1) through (a)(3) of this certification.

(c) If the Offeror deletes or modifies subparagraph (a)(2) of this certification, the Offeror must furnish with its offer a signed statement setting forth in detail the circumstances of the disclosure.

11. AFFIRMATIVE ACTION COMPLIANCE

(a) The Offeror represents that it,

☐ has developed and has on file,

☐ has not developed and does not have on file,

at each establishment, affirmative action programs required by the rules and regulations of the Secretary of Labor (41 CFR 60-1 and 60-2), or;

(b) The Offeror represents that it, ☐ has ☐ has not,

previously had contracts subject to the written affirmative action programs requirement of the rules and regulations of the Secretary of Labor.

12. PREVIOUS CONTRACTS AND COMPLIANCE REPORTS

The Offeror represents that,

(a) It ☐ has, ☐ has not participated in a previous contract or subcontract subject to the Equal Opportunity Article of this solicitation;

(b) It ☐ has, ☐ has not filed all required compliance reports

The Offeror understands that it, and its known lower-tier subcontractors that will be awarded subcontracts of \$10,000,000 or more, will be subject to a preaward compliance evaluation by the Office of Federal Contract Compliance Programs (OFCCP), unless, within the preceding 24 months, OFCCP has conducted an evaluation and found the prospective subcontractor and its known lower-tier subcontractors to be in compliance with Executive Order 11246. Proposed lower tier subcontractors that will be awarded subcontracts of \$10,000,000 or more are: _____

SECTION B, APPLICABLE TO OFFERS OF \$100,000 OR MORE, REGARDLESS OF BUSINESS SIZE

13. CERTIFICATION AND DISCLOSURE REGARDING PAYMENTS TO INFLUENCE CERTAIN FEDERAL TRANSACTIONS

(a) The definitions and prohibitions contained in the General Provisions Article entitled "Limitation on Payments to Influence Certain Federal Transactions" included in this solicitation, are hereby incorporated by reference in paragraph (b) of this certification.

(b) The Offeror, by signing its offer, hereby certifies to the best of his or her knowledge and belief that on or after December 23, 1989, --

(1) No Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress on his or her behalf in connection

with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment or modification of any Federal contract, grant, loan, or cooperative agreement;

- (2) If any funds other than Federal appropriated funds (including profit or fee received under a covered Federal transaction) have been paid, or will be paid, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress on his or her behalf in connection with this solicitation, the offeror shall complete and submit, with its offer, OMB standard form LLL, Disclosure of Lobbying Activities, to WSRC; and
- (3) He or she will include the language of this certification in all subcontract awards at any tier and require that all recipients of subcontract awards in excess of \$100,000 shall certify and disclose accordingly.
- (c) Submission of this certification and disclosure is a prerequisite for making or entering into this contract imposed by Section 1352, Title 31, United States Code. Any person who makes an expenditure prohibited under this provision or who fails to file or amend the disclosure form to be filed or amended by this provision, shall be subject to a civil penalty of not less than \$10,000, and not more than \$100,000, for each such failure.

14. CERTIFICATION REGARDING DEBARMENT, PROPOSED DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS

(a) CERTIFICATIONS:

(1) The Offeror certifies, to the best of its knowledge and belief, that:

- (i) The Offeror and/or any of its Principals, ☐ are ☐ are not presently debarred, suspended, proposed for debarment, or declared ineligible for the award of contracts by any Federal agency;
- (ii) The Offeror and/or any of its Principals, ☐ have, ☐ have not within a 3-year period preceding this offer, been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, state, or local) contract or subcontract; violation of Federal or state antitrust statutes relating to the submission of offers; or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property; and,
- (iii) The Offeror and/or any of its Principals, ☐ are, ☐ are not presently indicted for, or otherwise criminally or civilly charged by a governmental entity with commission of any of the offenses enumerated in subdivision a (1) of this certification.
- (iv) The Offeror, ☐ has, ☐ has not within a 3-year period preceding this offer, had one or more contracts terminated for default by any federal agency or federal prime contractor.

- (2) "Principals," for the purposes of this certification, means officers; directors; owners; partners; and persons having primary management or supervisory responsibilities within a business entity (e.g., general manager; plant manager; head of a subsidiary, division, or business segment, and similar positions).

- (b) The Offeror shall provide immediate written notice to WSRC if, at any time prior to subcontract award, the

Offeror learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

- (c) A certification that any of the items in paragraph (a) of this provision exists will not necessarily result in withholding of an award under this solicitation. However, the certification will be considered in connection with a determination of the Offeror's responsibility. Failure of the Offeror to furnish a certification or provide such additional information as requested by WSRC may render the Offeror nonresponsible.
- (d) Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render, in good faith, the certification required by paragraph (a) of this provision. The knowledge and information of an Offeror is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
- (e) The certification in paragraph (a) of this provision is a material representation of fact upon which reliance was placed when making award. If it is later determined that the Offeror knowingly rendered an erroneous certification, in addition to other remedies available to WSRC, WSRC may terminate the contract resulting from this solicitation for default.

15. CERTIFICATION OF TOXIC CHEMICAL RELEASE REPORTING

- (a) Submission of this certification is a prerequisite for entering into this subcontract imposed by Executive Order 12969, of August 8, 1995.
- (b) By signing this offer, the offeror certifies that-
 - (1) As the owner or operator of facilities that will be used in the performance of this contract that are subject to the filing and reporting requirements described in section 313 of the Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA) (42 U.S.C. 11023) and section 6607 of the Pollution Prevention Act of 1990 (PPA) (42 U.S.C. 13106), the offeror will file and continue to file for such facilities for the life of the subcontract the Toxic Chemical Release Inventory Form (Form R) as described in sections 313(a) and (g) of EPCRA and section 6607 of PPA; or
 - (2) None of its owned or operated facilities to be used in the performance of this subcontract is subject to the Form R filing and reporting requirements because each such facility is exempt for at least one of the following reasons: [Check each block that is applicable.]
 - ☐ (1) The facility does not manufacture, process, or otherwise use any toxic chemicals listed in 40 CFR 372.65;
 - ☐ (2) The facility does not have 10 or more full-time employees as specified in section 313(b)(1)(A) of EPCRA, 42 U.S.C. 11023(b)(1)(A);
 - ☐ (3) The facility does not meet the reporting thresholds of toxic chemicals established under section 313(f) of EPCRA, 42 U.S.C. 11023(f) (including the alternate thresholds at 40 CFR 372.27, provided an appropriate certification form has been filed with EPA);
 - ☐ (4) The facility does not fall within Standard Industrial Classification (SIC) major groups 20 through 39 or their corresponding North American Industry Classification System (NAICS) sectors 31 through 33; or
 - ☐ (5) The facility is not located in the United States or its outlying areas..

SECTION C, APPLICABLE TO OFFERS OF \$500,000 OR MORE (\$1,000,000 IF CONSTRUCTION)

16. REPRESENTATION REGARDING SUBCONTRACTING PLAN REQUIREMENTS

(a) The Offeror represents that:

(Check one or more of the following. If Block 4 is checked, the offeror is required to submit its proposed subcontracting plan with its proposal)

- ☐ (1) It is a small business as defined in accordance with 13 CFR part 121 of the Small Business Administration regulations;
- ☐ (2) Subcontracting possibilities are not offered with respect to this subcontract;
- ☐ (3) This subcontract is not expected to exceed \$500,000 (or \$1,000,000 if solely for construction of a public facility); or
- ☐ (4) It is required to submit a Small Business Subcontracting Plan for small business concerns and small business concerns owned and controlled by socially and economically disadvantaged individuals. (The subcontracting plan requirements are set forth in the General Provision/Terms and Conditions Article titled "Small Business Subcontracting Plan.")

SECTION D, APPLICABLE IF CHECKED (ON THE FIRST PAGE)

17. RECOVERED MATERIAL CERTIFICATION

(THIS CERTIFICATION IS APPLICABLE WHERE THE SPECIFICATIONS REQUIRE THE USE OF RECOVERED MATERIALS).

The Offeror certifies by signing this offer, that recovered materials defined as materials that have been collected or recovered from solid waste, will be used as required by the applicable specifications.

18. COST ACCOUNTING STANDARDS NOTICES AND CERTIFICATION – (APRIL 2000)

Note: This notice does not apply to small businesses or foreign governments.

This notice is in three parts, identified by Roman Numerals I through III. Offerors shall examine each part and provide the requested information in order to determine Cost Accounting Standards (CAS) requirements applicable to any resultant subcontract.

If the offeror is an educational institution, Part II does not apply unless the contemplated subcontract will be subject to full or modified CAS coverage pursuant to 9903.211-2©(5) or 9903.211-2©(6).

I Disclosure Statement - Cost Accountant Practices and Certification

- (a) Any subcontract in excess of \$500,000 resulting from this solicitation, except for those subcontracts which are exempt as specified in 903.201-1, will be subject to the requirements of 48 CFR, Chapter 99.
- (b) Any Offeror submitting a proposal which, if accepted, will result in a subcontract subject to the

requirements of 48 CFR, Chapter 99 must, as a condition of contracting, submit a Disclosure Statement as required by 9903.202. When required, the Disclosure Statement must be submitted as a part of the Offeror's proposal under this solicitation unless the Offeror has already submitted a Disclosure Statement disclosing the practices used in connection with the pricing of this proposal. If an applicable Disclosure Statement has already been submitted, the Offeror may satisfy the requirement for submission by providing the information requested in paragraph (c) of Part I of this provision.

CAUTION: A practice disclosed in a Disclosure Statement shall not, by virtue of such disclosure, be deemed to be a proper, approved, or agreed-to practice for pricing proposals or accumulating and reporting contract performance cost data.

(c) Check the appropriate box hereinafter:

☐ **(1) Certificates of Concurrent Submission of Disclosure Statement.**

The Offeror hereby certifies that, as a part of the offer, copies of the Disclosure Statement have been submitted as follows: (i) original and one copy to the cognizant Administrative Contracting Officer (ACO), or cognizant Federal agency official authorized to act in that capacity, as applicable, and (ii) one copy to the cognizant Federal auditor.

(Disclosure must be on Form Number CASB-DS-1 or CASB-DS-2, as applicable. Forms may be obtained from the cognizant ACO or cognizant Federal agency official acting in that capacity and/or from the looseleaf version of the Federal Acquisition Regulations.)

Date of Disclosure Statement: _____

Name and Address of Cognizant ACO where filed: _____

The Offeror further certifies that the practices used in estimating costs in pricing this proposal are consistent with the cost accounting practices disclosed in the Disclosure Statement.

☐ **(2) Certificate of Previously Submitted Disclosure Statement.**

The Offeror further certifies that a Disclosure Statement was filed as follows:

Date of Disclosure Statement: _____

Name and Address of Cognizant ACO or Federal Official where filed: _____

The Offeror further certifies that the practices used in estimating costs in pricing this proposal are consistent with the cost accounting practices disclosed in the applicable disclosure statement.

☐ **(3) Certificate of Monetary Exemption.**

The Offeror hereby certifies that the Offeror, together with all divisions, subsidiaries, and affiliates under common control, did not receive net awards of negotiated prime contracts and subcontracts subject to CAS totaling more than \$ 50 million in the cost accounting period immediately preceding the period in which this proposal was submitted. The Offeror further certifies that if such status changes before an award resulting from this proposal, the Offeror will advise WSRC immediately.

☐ **(4) Certificate of Interim Exemption.**

The Offeror hereby certifies that (i) the Offeror first exceeded the monetary exemption for disclosure, as defined in (3) above, in the cost accounting period immediately preceding the period in which this offer was submitted and (ii) in accordance with 9903.202-1, the Offeror is not yet required to submit a Disclosure Statement. The Offeror further certifies that if an award resulting from this proposal has not been made within 90 days after the end of that period, the Offeror will immediately submit a revised certificate to WSRC, in the form specified under (1) or (2) above as appropriate, to verify submission of a completed Disclosure Statement.

CAUTION: Offerors currently required to disclose because they were awarded a CAS-covered prime contract or subcontract of \$ 50 million or more in the current cost accounting period may not claim this exemption (4). Further, the exemption applies only in connection with proposals submitted before expiration of the 90-day period following the cost accounting period in which the monetary exemption was exceeded.

II *Cost Accounting Standards - Eligibility For Modified Contract Coverage*

If the Offeror is eligible to use the modified provisions of 9903.201-2(b) and elects to do so, the Offeror shall indicate by checking the box below. Checking the box below shall mean that the resultant subcontract is subject to the Disclosure and Consistency of Cost Accounting Practices Article in lieu of the Cost Accounting Standards Article.

- ☐ The Offeror hereby claims an exemption from the Cost Accounting Standards Article under the provisions of 9903.201-2(b) and certifies that the Offeror is eligible for use of the Disclosure and Consistency of Cost Accounting Practices Article because during the cost accounting period immediately preceding the period in which this proposal was submitted, the Offeror received less than \$ 50 million in awards of CAS-covered prime contracts and subcontracts . The Offeror further certifies that if such status changes before an award resulting from this proposal, the Offeror will advise WSRC immediately.

CAUTION: An Offeror may not claim the above eligibility for modified contract coverage if this proposal is expected to result in the award of a CAS covered subcontract of \$50 million or more if, during its current cost accounting period, the Offeror has been awarded a single CAS-covered prime contract or subcontract of \$50 million or more.

III *Additional Cost Accounting Standards - Applicable to Existing Contracts*

The Offeror shall indicate below whether award of the contemplated subcontract would, in accordance with paragraph (a) (3) of the Cost Accounting Standards Article, require a change in established cost accounting practices affecting existing contracts and subcontracts.

☐ YES ☐ NO

Note: If the Offeror has checked "yes" above and is awarded the contemplated subcontract, the Offeror will be required to comply with the requirements of paragraphs (a) (i), (b), and (c) of the Administration of Cost Accounting Standards Article of WSRC's General Provisions.